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CIVIL ACTION: 2:06 cv902-MEF

DEMAND FOR JURY TRIAL

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action ? () YES (X) NO

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES() NO(X)

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county)

3. Docket number. N/A

4.Name of judge to whom case was assigned. N/A

5. Disposition. N/A

6. Approximate date of filing lawsuit. N/A

7. Approximate date of disposition. N/A

II. Place of present confinement. Staton Corr. Fac. P.O.Box #56 / Elmore, Al 36025

Place of Institution where incident occurred. Staton Corr. Fac. (G- Dorm Annex

III. Name and address of Individual(s) you allege violated your constitutional rights.

NAME

ADDRESS

1. Warden Leon Forniss et al. Staton Corr. Fac. /P.O.Box#56/Elmore, Al 36025

2. Dept Warden Levan Thomas. Same as above

3. Lt. Brownie Same as Above

4. Sargent Jenkins Same as Above

IV. The date upon which said violation occurred. September 04, 2006

V. State briefly the grounds on which you base your allegation that your constitutional rights are being violated:

Ground One; On the day of, September, 04, 2006, at or about 7:30 pm, I, Micheal Grant, (hereinafter "Grant") at ,who is housed at Staton Correctional Facility, and is assigned to "B-Dormitory's Inmate Dayroom. I am one of the three Inmates who was stabbed due to there not being any lights on in the day room and no Officer in the dorm at that time, thus placing Grant in grave danger of bodily harm and neglect to

safety violations and personal hazard.

Ground Two;Prison Officials were aware that days prior to Andre Jolly's B/M#

128255 vicious attack on my person, he had been to the shift office where he spoke with the Shift Commander Lt. Brownning and Sargent Jenkin about him having some problems with others and that he did not know what his actions would be and that he needed to move or go and talk with someone he had been to other inmates who could only send him to the shift commander for the type of assistance he was asking;

Prison Officials were negligent when it was known that Andre Jolly had expressed intent and a propensity for an act of violent physical aggression towards other Inmates and that this person poses a serious threat to health, safety and the security risk to other Inmates .

Ground Three; My Eight Amendment Rights have been violated by the deliberate indifference of Prison Officials in failing to protect me from harm when with prior knowledge of the "*Substantial Risk of Serious Harm*" that was posed by Inmate Andre Jolly, after being notified and warned by he himself of the particular threat to others.

In Support: Andre Jolly has had past Mental Health episodes that could have led to serious bodily injury to others during his term of incarceration within the A.D.O.C. and has an extensive history of criminal acts that have all resulted in injury by the use of dangerous weapons and instruments.

Ground Four;Prison Officials Lt. Browning & Sargent Cooper " Showed deliberate indifference and reckless disregard by being foretold and having knowledge of the history and threat of violently, or the possibility of life threatening acts and actions towards others posed by Andre Jolly at the time and during his agitated state of mind.

In Support; Lt. Browning & Sargent Jenkins, had prior knowledge that Andre Jolly had the propensity for unprovoked attacks on other Inmates , and that the threat posed to others who were resident of B-Dorm.

VI. I am seeking an investigation into the policies and practices of the A.D.O.C. and Damages for physical injury, in the form of, compensatory, punitive, actual damages, consequential damages, pecuniary damages, these damages are being requested due to the permanent pain and suffering in an amount to be submitted at a later time during the pleading in this matter. I am seeking trial by jury.

Michael Grant (L.S)
Plaintiff

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 3rd day October 2006

Signature of Plaintiff Michael Grant (L.S)

STATEMENT & AFFIDAVIT

I, Micheal Grant, B/M #152447 , do hereby submit my sworn statement & affidavit as to the events of September, 04, 2006, at or about 7:30 pm, at Staton Corr.Fac. "*B-Dormitory's* Inmate Dayroom.

"I", Micheal Grant and James Monroe, were watching "Prison Break" a television weekly program. The Dayroom television area was darken by the Dorm Officer at the time turning the lights off. and myself were sitting side by side when I was hit by something or someone, my first response was to get up and out of the way, I was stabbed by Inmate Andre Jolly B/M#128255 who had stabbed me in the arm and neck. At that time I did not know that I had been stabbed I could only feel a hot burning sensation in my neck. I continued to flee towards the living area that I'm assigned to, where I learned that I had been stabbed in the neck by another Inmate who was washing his hands at the sink "Zachary Ellis B/M#174467.

Inmate James Monroe came in and he "Ellis" saw that I was bleeding and Inmate Monroe, was bleeding profusely. Inmate Ellis came up behind him and placed a towel over the wound in his back putting pressures on it to slow the flow of blood and started pulling him by the arm to come with him and go to healthcare he then ordered another person to bring me

with him as well. I guess I was in shock at being stabbed at this point.

By the time we made it out of the dorm due to the crowd of people in the doorway and there not being a Officer in the dorm Ellis was the only person around that took any action to get me to the healthcare unit. Once outside I then learned that another Inmate had been stabbed as well by this same person Inmate Vencent Crim (I do not know his A.I.S.#) Inmate Crim was holding his hand and there were Officers on the sidewalk at this time.

It has become common practice that, there not be an Officer in the dorms when the prison lockdown is called all dorm Officers will walk down the sidewalk leaving the dorms unattended. I have spoken with others who know that Inmate Jolly had been to the shift office and had spoken with Sgt. Jenkins and Lt.Browning about him having some problems whereas he was asked if it was related to homosexuality, this caused Inmate Jolly not to be moved or given psychiatric help or treatment and this is only one of the reasons that I feel that I was stabbed without any provocation what so ever.

I spoke with the Asst. Warden and he himself admitted that Inmate Jolly had told him that he had went to the shift office to try and get some body to help him or move him but they only made fun of him.

I feel this could have been avoided if only the Shift Supervisor and Shift Sargent had taken some action when they were made knowing of this persons mental state

I, Michael Grant, do hereby swear under the penalty of perjury that the forgoing is true and correct to the best of my knowledge and that all facts and statements are true .

Michael Grant
Micheal Grant, Affiants

SUBSCRIBED AND SWORN TO before me this the 3 day of

October, 2006.

Charles Earl Yunk My Commission Expires: 4/4/2010
Notary Public

CERTIFICATE OF SERVICE

I, Micheal Grant, do hereby certify that I have served a copy of the foregoing on the Clerk of the Montgomery County Circuit Court and Forwarding Service requested to all parties, by placing same in prison mailbox at Staton Correctional Facility for US mailing postage prepaid and properly addressed below on this the 3rd day of October 2006.

Debra P.Hackett
Clerk United States District Court
Middle District of Alabama
Nothern Division
P.O.Box #711
Montgomery, AL 36101

Alabama Dept. of Corrections
Legal Division
301 S. Ripley Street
P.O. Box 301501
Montgomery, AL. 36130-2405

Michael Grant
Micheal Grant, Pro Se
#152447/
P.O. Box 56
Elmore, AL. 36025-0056

IN THE UNITED STATES MIDDLE DISTRICT COURT

EXHIBIT(A)

STATE OF ALABAMA

MICHAEL GRANT

AIS# 152447

Plaintiff

vs.

ANDRE JOLLY etal

WARDEN LEON FORNISS etal

Defendants

2006 OCT -6 A 9:28

CIVIL ACTION NO.

2:06cv902-MEF

2006 SEP 29 A 10:04

WITNESS JAMES KELLY MONROE AFFIDAVIT STATEMENTS OF FACTS FOR INMATE

MICHAEL GRANT AIS# 152447 THE DAY OF THE INCIDENT

In,Re: Inmate Andre Jolly Ais# 128225

On or about Sept /4th/2006 i inamte Ais# 167435 James Monroe was in the STATON CORRECTIONAL CENTER(T.V.) Day room Watching T.V. IN DORM-B AND ABOUT TIME 7;30 pm the day room lights were out me and inmate Ais# 152447 Michael Grant were sitting beside me when i notices inmate Grant being ATTACKED by someone it were dark so i could n't tell what was going on so i jump up to get out of the way and when i did inmate Andre Jolly Ais# 128225 Stabbed me James Monroe in the back with a 10''inch KNIFE AND IN THE ARM,AT THAT TIME i did;n't know that i had been stabbed till some more inmate told me that i was bleeding real bad, i notices inmate MICHAEL GRANT HOLDING HIS NECK AND ARM SAYING THAT HE BEEN STUCK, AND THE 3rd Inmate that was Stabbed name is CRM don;t know Ais# OF FIRST NAME ALL THREE OF US WAS TAKEN TO THE HEATH CARE UNIT FOR TREATMENT Myself James Monroe had to go to Baptist South Where i had to have staper in my back and arm Inmate Michael Grant had to have Stitches in his neck and and inmate CRM had to have sugery on his hand his Condtions is still unknowned at this time at the time of the stabbing

THERE WERE NO OFFICER IN (B). DORM and the lights were out in
the day room which (R) suppose to be on at all times
ALLEGED BY INMATE JAMES KELLY MONROE# 167435

AFFIDAVIT STATEMENTS

AFFIDAVIT

STATE OF ALABAMA

NOTARY PUBLIC

James K Monroe
JAMES KELLY MONROE# 167435

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY 19th MONTH SEPT 2006

NOTARY NAME: Hearson

NOTARY TEL#: 334-567-2221

NOTARY COMMISSION EXPIRES: 1-22-08

PART OF EXHIBIT(A)